

2016



Louisiana Oyster

Commercial Rules and Regulations

Louisiana Department of Wildlife and Fisheries



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Harvesters

THIS PUBLICATION IS NOT AN OFFICIAL COPY OF THE LAWS AND SHOULD NOT BE RELIED UPON AS SUCH. THIS PUBLICATION SUMMARIZES EXISTING LAWS IN EFFECT. AS LAWS MAY CHANGE FOLLOWING THE PRINTING OF THIS PUBLICATION, THE ACCURACY OF THE INFORMATION HEREIN IS NOT GUARANTEED. IT IS THE OBLIGATION AND RESPONSIBILITY OF THE READER TO BE AWARE OF CURRENT LAWS AT ALL TIMES, INCLUDING LOUISIANA REVISED STATUTES (TITLES 51 AND 56), NATIONAL SHELLFISH SANITATION PROGRAM REQUIREMENTS, OFFICIAL REGULATIONS OF THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION, LOCAL AND PARISH ORDINANCES, AND FEDERAL LAWS. VISIT WWW.WLF.LOUISIANA.GOV/FISHING/COMMERCIAL-FISHING FOR DETAILS.

Commercial Harvest Licenses / Permits

To take or possess oysters in Louisiana waters for commercial purposes, you must have one or more of the following licenses issued by the Louisiana Department of Wildlife and Fisheries (LDWF). To apply for LDWF-issued licenses, contact **225.765.2898** or visit LDWF's Headquarters at **2000 Quail Drive in Baton Rouge**. Renew your license online at www.la.wildlifelicense.com.

If you:	You must have a/an:	Notes:
Operate a commercial fishing vessel	Commercial Fisherman's License or Senior Commercial License (if a resident age 70 or older)	\$55 resident, \$460 nonresident; \$20 resident (senior; includes gear license fee). This is a personal license and is not transferable. It allows you to transport and sell your catch to any wholesale/retail seafood dealer located in and licensed by the state of Louisiana.
Use or possess oyster dredges or tongs	Commercial Gear License	You must have a license for each piece of gear: <ul style="list-style-type: none"> • Dredge: \$25 resident, \$200 nonresident • Tong: \$30 resident, \$240 nonresident
Have a vessel fishing commercially in the saltwater areas of Louisiana OR carrying oysters for sale	Vessel License	\$15 resident, \$60 nonresident; this license is specific to the individual's vessel.
Are a commercial fisherman harvesting or possessing oysters	Oyster Harvester License	\$100 resident, \$400 nonresident; only the vessel captain is required to hold this license.
Are in charge of an oyster cargo vessel	Oyster Cargo Vessel Permit	\$250 resident, \$1,105 nonresident; permit holders must have a vessel monitoring system (VMS) acceptable to LDWF's Law Enforcement Division.
Harvest oysters from Calcasieu Lake	Calcasieu Lake Oyster Harvester Permit	No fee
Take and carry oysters from public reefs, oyster seed grounds, or reservations (not including those in Calcasieu or Sabine Lakes)	Oyster Seed Ground Vessel Permit	\$15 resident, \$60 nonresident; issued in the name of the vessel owner; identifies the permitted vessel; cannot be sold, exchanged, or transferred; no new permits are currently available; only renewal of existing permits and reissue of existing permits (after transfer of ownership of permitted vessel, if applicable) are allowed; permitted vessels must have an LDWF-issued VMS properly installed and operating
Harvest oysters from a private lease in Louisiana and land them outside of Louisiana	Out of State Landing Permit	\$100 resident and nonresident; permit is valid for one calendar year; apply in person at LDWF; permit holders must have a VMS acceptable to LDWF's Law Enforcement Division.
Grow oysters in cages, on- or off-bottom, on permitted state-owned water bottoms for commercial harvest	<ul style="list-style-type: none"> • Alternative Oyster Culture Permit • Oyster Harvester License • Commercial Fisherman's License 	Permit application fee is \$100; permits are granted for a 10-year period. You must also obtain a suitable lease from LDWF; to do so, you must be 18 years of age and a Louisiana resident (or a corporation organized in Louisiana). Leases rent for \$2 per acre. ³

Seasons

Public grounds: The season generally runs from the first Wednesday after Labor Day in September through April 30 of the following year. The Commission may open and close the season when biological data indicate a need. Go to www.wlf.louisiana.gov/fishing/commercial-oyster for the latest information.

Private leases (state-owned and private lands): A lessee or his agents may fish oysters on the lease at any time.

All areas: No one may take oysters from 1/2-hour after sunset to 1/2-hour before sunrise.

Closed Areas

The Louisiana Department of Health and Hospitals (LDHH) may close oyster areas for health reasons. Call **800.256.2775** for more information. If LDWF finds a vessel harvesting oysters within an unapproved or closed area, LDWF will deem all oysters on board the vessel to have been taken from that area, seize the oysters, and return them to the water. LDWF may also revoke the oyster harvester's license(s).

Removing Oysters

Public grounds: You may harvest oysters with dredges, scrapers, and tongs. Dredges and scrapers shall be no longer than 6 feet wide along the tooth bar. Dredge teeth shall be no longer than 5 inches. Vessels shall use no more than seven dredges at a time.

Private leases (state-owned and private lands): Lessees may use any gear as long as it does not impair or destroy the water bottom.

Calcasieu and Sabine Lakes: You may harvest oysters with tongs or a single hand dredge or scraper with a tooth or flat bar no longer than 3 feet. In both lakes, your vessel must be self-propelled. You may harvest no more than the sack limit set by the Commission (per person per vessel per day).

Trawl, Seine, and Skimmer Use

You may not trawl, seine, or use skimmer nets over privately leased bedding grounds for one year immediately after such area is seeded. The area must be marked or posted as required by law. If you knowingly trawl, seine, or use a skimmer net upon such marked areas, you are liable for damages.

Unlawful Removal of Oysters or Signs

You may not knowingly or willfully take, carry away, or attempt to take or carry away any oysters, shell, or cultch from a leased area without permission from the lessee. You may not willfully remove or alter any stake, monument, bounds, buoy, sign, or other designation of bedding or propagating ground placed by LDWF or in accordance with regulations.

Cleanliness of Shellfish Vessels

You must wash decks, holds, or binds used for storage of shellfish daily. Unless otherwise exempted in writing by LDHH, you

must have a suspended awning (tarp) on your vessel to protect shellfish from direct exposure to sun, birds, and other conditions. It must be between 1 and 7 feet high and extend to the outer edges of the vessel.

Sewage Disposal on Shellfish Vessels

Vessels without an LDHH-approved sewerage system must have suitable waste receptacles with tight fitting lids. These receptacles must be labeled "FOR HUMAN WASTE ONLY" with letters at least 1-½ inches tall and must have a capacity of at least 2 gallons for each person on the vessel. You must dispose of the contents of such receptacles through a municipal sewer system, incineration, or burial in the ground.

Culling Oysters

You may only cull oysters from open public grounds or leases from which you are authorized to take oysters. When removing oysters from natural reefs, you must immediately return any oysters smaller than 3 inches from hinge to mouth and any dead shell back to the reefs from which they were taken. This does not apply if you are lawfully removing seed oysters from natural reefs* or if you are a lessee of private bedding grounds harvesting your own oysters.

*LDWF may permit lessees to fish oysters of any size, without charge, from natural reefs in Louisiana's waters for bedding purposes only. LDWF may designate which natural reefs may be fished and the quantity of oysters that may be taken.



Did you know?

In 2014, LDWF's Law Enforcement Division logged more than 7,500 hours patrolling oyster grounds and inspected more than 14,000 oyster trips.

Oyster Harvest Tags

If you take oysters from Louisiana state waters for sale, you must identify sacks and any other type of container used to hold oysters in their shells with official oyster harvest tags purchased from LDWF. These tags are identified with and traceable to your license. You must complete all information on the tag as required by LDHH and LDWF. If you sack or put oysters into containers on your vessel, you must tag them prior to removing them from the vessel. If you sack or put oysters into containers at the dock, you must tag them immediately upon arrival at the dock prior to shipment. There is a zero tolerance policy for untagged oyster sacks or containers—any untagged or improperly tagged sack or container (other than on board your vessel or on the dock prior to shipment) will be considered to have been taken from polluted waters and deemed a health hazard. It is illegal to possess untagged sacks or containers of oysters (other than on board the vessel or at the dock prior to shipment). You may not sell for resale untagged sacks or containers of oysters.

White Tag

Description and use:

For raw consumption. From March to November, you MAY NOT also possess oysters intended for shucking, post-harvest processing, relay, or bedding until all white tag oysters are offloaded (unless you follow white tag refrigeration and time / temperature requirements for all oysters on board.

Refrigeration air temperature: Less than or equal to 45°F.

Requirements:

Months	Hours Until Refrigeration	Internal Meat Temperature
Dec, Jan, Feb	36	10 hours to 55°F
Mar, Apr, Nov	8	10 hours to 55°F
May-Oct	1	6 hours to 55°F

Green Tag

Description and use:

Must be consumed fully cooked. For shucking or post-harvest processing (PHP) only. From March to November, you MAY NOT also possess white tag oysters unless you follow white tag refrigeration and time / temperature requirements for all oysters on board.

Refrigeration air temperature: Less than or equal to 45°F.

Requirements:

Months	Hours Until Refrigeration	Internal Meat Temperature
Dec, Jan, Feb	24 hours	May not ship until internal temp. is 50°F or less, unless trip is under 4 hours. If temp. is not met, shipment can occur with a time / temp monitoring device.
Mar-May and Oct-Nov	18 Hours	
Jun-Sept	12 Hours	

Pink Tag

Description and use:

For use in Louisiana ONLY. Sacked, boxed, shucked, or frozen oysters with pink tags MAY NOT leave the state of Louisiana. You MAY NOT possess white or green tag oysters during the same harvest period.

Refrigeration air temperature: Less than or equal to 45°F.

Requirements: Before leaving to harvest pink tag oysters, you must call **800.442.2511** and press "0" for dispatch.

Months	Hours Until Refrigeration	Internal Meat Temperature
All	5	NONE

Harvester Log Sheet

Both the harvester and the first certified dealer must complete a Harvester-Dealer Time / Temperature Log Sheet to document compliance with time to refrigeration requirements. They must maintain the log sheet for one year. Log sheets for the current and previous 15 days must be kept aboard the harvest vessel.

Cooler Log Sheet

Oysters harvested for raw consumption (white tag) must adhere to the applicable time and temperature controls established by the *Vibrio vulnificus* control plan. From May 1 to October 31, harvesters must maintain a boat cooler log sheet. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the time and temperature requirements. The record must include the date and time harvest began for each lot of shellfish harvested. It is the harvester's responsibility to properly separate and identify each lot when they place it under refrigeration.

Separating White Tag Oysters into Lots

If you harvest white tag oysters, you must attach to all containers holding shell stock a tag or label with the corresponding lot identification number or character printed legibly prior to refrigerating them. This tag or label shall be approved by the state health officer and the Secretary of LDWF.

Landing Oysters

If you're harvesting oysters from Louisiana's public reefs for sale or consumption, you must land them in Louisiana and tag them appropriately.

If you land oysters harvested from a private lease in Louisiana's waters outside the state (with applicable permit from LDWF), you must tag all sacks or containers prior to leaving the state. You must install a VMS on the vessel used to transport oysters to another state and allow LDWF to access the system.

If you harvest oysters outside of Louisiana waters but land them in Louisiana, you must tag sacks or containers according to the laws of the state where you harvested the oysters.

Oyster Severance Tax

Louisiana collects a severance tax on all oysters harvested from state waters. Taxes apply as follows:

- 2-1/2 cents per barrel of oysters fished from leased water bottoms
- 3 cents per barrel of oysters fished from the natural reefs.

The oyster fisherman or lessee is responsible for paying these taxes, unless they are sold to a resident wholesale/retail dealer. In that case, the dealer is responsible. If a nonresident wholesale/retail dealer buys oysters from a Louisiana fisherman to ship out-of-state and no severance taxes have been paid on the oysters, the nonresident dealer is responsible for the tax.

Did you know?

- During the 2015 regular legislative session, legislators passed House Bill 341, increasing penalties for oyster thefts from private leases.
- On January 1, 2016, annual oyster lease rental rates for state water bottoms will increase from \$2 per acre to \$3 per acre. See www.wlf.louisiana.gov/fishing/oyster-lease-section for more information about oyster leases.

Dealers, Shuckers, & Retailers

Licenses and Permits

To purchase and resell oysters in Louisiana, you must have one of the following licenses issued by LDWF, unless otherwise noted:

If you:	You must have a/an:	Notes:
Buy seafood products directly from licensed harvesters	<ul style="list-style-type: none"> Wholesale/Retail Seafood Dealer License LDHH Shellstock Dealer or Shucker-Packer Permit* 	\$250 resident, \$1,105 nonresident. There are no restrictions on whom these licenseholders may sell seafood products to.
Only purchase seafood from Wholesale/Retail Seafood Dealers and only sell to the public	Retail Seafood Dealer License (or have your own Wholesale/Retail Dealer License—see above)	\$105 resident, \$405 nonresident
*Restaurants selling seafood are exempt from dealer license requirements unless they are serving raw fish products such as raw oysters, sushi, or sashimi. These restaurants must purchase a Retail Seafood Dealer License to purchase products from a Wholesale/Retail Dealer. If a restaurant buys directly from the harvester, they need an Wholesale/Retail Dealer license.		
Shuck oysters to sell to another dealer for resale	LDHH Shucker-Packer Permit*	
Buy from harvesters and reship oysters	LDHH Shellstock Shipper or Reshipper Permit*	
Buy only from Wholesale/Retail Dealers	LDHH Distribution and Reshipping Permit*	
Are a seafood retailer shucking oysters for sale to the public	LDHH Retail Permit*	Shucked oysters must be in an open container, displayed in the service case, or stored in the cooler. Do not package them in closed containers except at the time of sale to the end consumer. You may also sell them on the half shell.

*LDHH permit fees range from \$100 to \$500, depending on gross annual sales. Contact an LDHH office or inspector to obtain a permit:

- Baton Rouge Area: Gordon LeBlanc: 225.342.7539
- New Orleans Area: Gary Lopinto: 504.427.5153
- Lafayette Area: Donna Porrier: 337.207.4043

Standard Measurements and Labeling

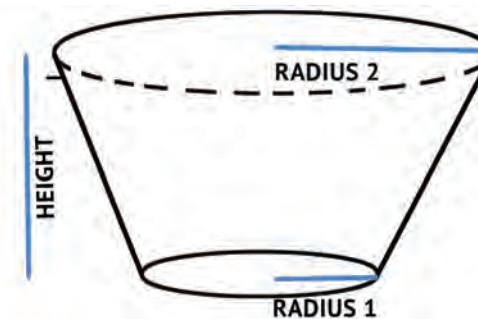
A **barrel** is equal to 6,451.26 cubic inches and is the equivalent of two sacks / baskets or three bushels.

A **sack** (or **basket**) is exactly 3,225.63 cubic inches and is the equivalent of 1/2 barrel or 1-1/2 bushels.

A **mini-sack** is 1,075.21 cubic inches and is the equivalent of 1/3 of a sack or 1/2 bushel.

The Louisiana Department of Agriculture and Forestry (LDAF) certifies metal baskets to ensure accurate measurement. Contact LDAF's Weights and Measures Division at **225.925.3780**. LDAF and LDWF agents have the authority to inspect baskets to ensure volumetric measurements are accurate.

Formula for measuring the volume of a basket.



$$V = \frac{\pi H (R_2^2 + R_1^2 + R_1 R_2)}{3}$$

All licensed oyster captains, harvesters, or certified wholesale/retail dealers of shell stock and shucked oyster products shall verify that the oysters being sold adhere to these measurement standards. The quantity of oysters for sale must be accurately labeled by volume, weight, or count (e.g. 1 sack, 35 pounds, or 120 count) in the 'Quantity' field on the harvest tag.

You may sell in-shell oysters by volume, weight (including the weight of the shell), or count. All oysters must be market size and wholesome.

You may only sell half-shell oysters by weight (excluding shell weight) or by count.

You may only sell shucked oysters by fluid volume or net drained weight at wholesale or retail. They must be clearly labeled by fluid volume or net drained weight. A maximum of 15% free liquid by weight is permitted for oysters sold by volume. You may only sell shucked oysters by count at final retail sale; if they are prepackaged, you must also label them by net drained weight.

Dealer Requirements

Both the harvester and the first certified dealer must complete a Harvester-Dealer Time / Temperature Log Sheet to document compliance with time to refrigeration requirements. They must maintain the log sheet for one year.

Dealers must keep oyster harvest tags (*see page 6*) affixed to each container of shell stock until the container is shipped or

emptied for washing, grading, or packing. Dealers must retain all tags for at least 90 days.

There is a zero tolerance policy for untagged oyster sacks or containers—any untagged or improperly tagged sack or container will be considered to have been taken from polluted waters and deemed a health hazard. It is illegal to possess untagged sacks or containers of oysters. You may not sell for resale or purchase for resale untagged sacks or containers of oysters.

Every dealer must have and implement a written HACCP plan. Oysters must maintain a temperature of 45°F or below throughout transit.

Shucked Oysters

You must follow the National Institute of Standards and Technology's guidelines when packaging, labeling, or distributing shucked oysters.

You may only shuck and prepackage oysters in LDHH-certified facilities. The state health officer must approve shucked oyster containers.

When packing shucked oysters, you must mark the containers with

- Your LDHH certification/permit number
- The name and address of the original processor, shucker-packer, or repacker
- The packing date in code or by actual date.

You must also keep accurate records of the source of the oysters so they can be traced

back to the harvest tag and label containers of shucked oysters with this information.

You may not sell or distribute shucked oyster containers to anyone that has not been certified by LDHH. The packer, distributor, or purchaser shall not resell shucked oyster containers. Nonresidents who purchase new and unused shucked oyster containers must have a valid certificate from an appropriate state agency that regulates the seafood industry.

Sale of Raw Oysters

You may sell oysters harvested from Louisiana waters for raw consumption within the state throughout the year as long as, from May 1 through October 31, transfer of oysters from harvest to refrigeration does not exceed five hours.

All oysters intended for raw consumption must have the following label: "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions".

Other Requirements

You must keep oysters in the container in which they were received until they are used, unless displaying them for retail sale. You may not mix oysters from different lots.



Industry Support

Louisiana Wild Seafood Certification Program (LWSCP)

Through LWSCP, LDWF aims to build a brand that guarantees the origin of Louisiana wild-caught seafood. Through strict chain of custody requirements, the program guarantees that all seafood products bearing the Certified Louisiana Seafood label were caught in Louisiana or Gulf waters by a licensed



Louisiana fisherman, landed at a Louisiana dock, and processed and packaged by a Louisiana-based company. The program provides education for participants on best seafood handling and sanitation practices to ensure the utmost safety and quality. When a buyer sees this label, they can be confident they're buying authentic Louisiana wild-caught seafood, a premium product known for freshness, consistent quality, and sustainability, and that they're supporting our local fishing communities.

By branding and showcasing Louisiana seafood, LWSCP helps suppliers increase the value of their seafood and remain competitive in the marketplace. LWSCP participants benefit from free marketing support, such as:

- Market portal linking Certified Louisiana Seafood suppliers with buyers
- Promotions through the program website, social media, and events including seafood festivals and industry conventions
- Point-of-sale materials such as decals, brochures, and apparel
- Access to program partners including the Louisiana Seafood Promotion and Marketing Board, Audubon GULF, NOAA Fisheries, Louisiana Sea Grant, and other partners who

purchase and promote Certified Louisiana Seafood.

Licensed Louisiana commercial fishermen are automatically eligible for the program; licensed Louisiana Fresh Products dealers and Wholesale/Retail Seafood dealers must obtain a permit to participate. They must also comply with all state and federal permitting and reporting requirements. Find out more or sign up to participate at www.LouisianaCertifiedSeafood.com.

Seafood Technology Equipment Program (STEP)

STEP provides LWSCP participants with funding to improve their equipment to increase the quality and value of their seafood, critical elements of the premium Louisiana seafood brand. Since 2012, STEP has provided more than \$1.7 million to members of Louisiana's seafood industry, including support for oyster harvesters to purchase advanced refrigeration equipment for their vessels. LDWF staff are improving the funding process, assessing future needs of the industry, and will be developing funding initiatives to meet those needs. For more information, call **225.765.3980** or **1.855.262.1764 (toll-free)**.

Louisiana Fisheries Forward (LFF)

LFF is a voluntary education and training program for members of Louisiana's seafood community. Created by LDWF and Louisiana Sea Grant, LFF delivers training videos and fact sheets on a number of topics such as how to be a commercial fisherman and seafood business finance and management as well as hands-on workshops, training days, and demonstrations to showcase new technology and best practices. LFF's goal is to help improve the economic success of Louisiana's commercial fishing industry. Learn more at lafisheriesforward.org.

Louisiana Oyster Harvest Facts



Harvest Areas

LDHH separates Louisiana into 31 harvest areas, set forth by the Louisiana Sanitary Code and the National Shellfish Sanitation Program.

Public Seed Grounds

LDWF manages about 1.7 million acres of public oyster seed grounds.

Private Leases

There are roughly 8,040 private water bottom leases in Louisiana, totaling 400,000 acres.

Get Involved!

To manage Louisiana's oyster fishery, LDWF and the Commission rely on scientific data and landings records as well as public input. Our decisions directly impact you, so it's important that we have your input as we define management goals and strategies. We encourage you to participate in the management process to ensure that we consider your interests and that you understand the process and resulting management actions.

The Oyster Task Force (representatives from the oyster industry and relevant state agencies) studies and monitors the oyster industry and makes recommendations to maximize its benefit to Louisiana and its citizens. The task force meets regularly, and meetings are open to the public. See www.wlf.louisiana.gov/fishing/oyster-task-force for more details. The Commission's monthly meetings and our open regulatory process provide additional opportunities for public input.

Text and Email Alerts

Sign up to receive text and/or email notifications about season openings and closings, regulatory changes, and task force and Commission meetings at www.wlf.louisiana.gov/signup.

Illegal Activity

Report illegal harvest activity, day or night, to LDWF at **800.442.2511**.



Drop us a line

Louisiana Department of Wildlife and Fisheries
2000 Quail Drive | Baton Rouge, LA 70808
225.765.2800
www.wlf.louisiana.gov/fishing/commercial-oyster

Louisiana Department of Health and Hospitals
628 N. 4th Street | Baton Rouge, LA 70802
225.342.9500
www.dhh.louisiana.gov

Louisiana Department of Agriculture and Forestry
Weights and Measures
5825 Florida Boulevard | Baton Rouge, LA 70806
225.925.3780
www.ldaf.state.la.us